

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ST. PAUL MERCURY INSURANCE  
COMPANY, on its own behalf and as subrogee  
of MARS 2112 WOODFIELD CORP.,

Plaintiff,

-against-

PEPSI-COLA BOTTLING COMPANY OF  
NEW YORK, INC., and DUANE READE, INC.

Defendants.

CV04 360

JUDGE TRAGER  
JUDGE CHREIN

**ANSWER TO  
CROSS-CLAIM**

The defendant, **PEPSI-COLA BOTTLING COMPANY OF NEW YORK, INC.**, by its attorneys, The Law Offices of Christopher P. DiGiulio, P.C., as and for its answer to the cross-claim of the defendant, Duane Reade, Inc., respectfully alleges and shows this Court, upon information and belief, as follows:

FIRST: The answering defendant denies the allegations of the cross-claim contained within the Answer of defendant, Duane Reade, Inc., as set forth in paragraphs: 13, 14 and 15.

SECOND: The answering defendant denies knowledge or information sufficient to form a belief as to those allegations of the cross-claim contained within the Answer of defendant, Duane Reade, Inc., as set forth in paragraph: 16.

**WHEREFORE**, defendant, PEPSI-COLA BOTTLING COMPANY OF NEW YORK, INC., demands judgment dismissing the cross-claim of defendant, Duane Reade, Inc., with the costs and disbursements of this action.

Dated: New York, New York  
June 7, 2004

THE LAW OFFICES OF  
CHRISTOPHER P. DI GIULIO, P.C.

by: \_\_\_\_\_  
Wendy E. Blythe (0225)

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